



00007289

IMPLEMENTING COURT REFORM

COURTS ADMINISTRATION

**Program Development Branch
Courts Administration Division
Ministry of the Attorney General**

May, 1990

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COURT REFORM DATES

INITIAL DISCUSSION RE COURT REFORM:

Inquiry into Court Reform authorised	May 22, 1986
Mr. Justice Zuber - Report of the Ontario Courts Inquiry	Jul 23, 1987
Court Reform Task Force - Submission of options paper to Attorney General	Dec 08, 1988
Attorney General's statement to Legislature	May 01, 1989

LEGISLATION:

Bill 2 - An Act to amend the Courts of Justice Act, 1984 - introduced	May 01, 1989
Bill 3 - An Act to amend certain Statutes of Ontario consequent upon Amendments to Courts of Justice Act, 1984 - introduced	May 01, 1989
Bill 2 assented to	Nov 15, 1989
Bill 3 assented to	Nov 15, 1989
Bill 81 - incorporating amendments to Bill 2 assented to	Dec 14, 1989
Federal Legislation introduced in the Parliament of Canada	Dec 20, 1989
Federal Legislation still pending	Mar 07, 1990

TRAINING THE TRAINERS:

Session 1 - Toronto	Mar 13, 1990
Session 2 - Sudbury	Mar 21, 1990
Session 3 - London	Mar 23, 1990
Session 4 - Metropolitan Toronto	Mar 26, 1990
Session 5 - Newmarket	Mar 27, 1990
<u>Training of all Court Staff</u>	Apr ----- June 01, 1990
Proclamation of Court Reform	July 01, 1990 ?

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HIGHLIGHTS OF PHASE I OF ONTARIO COURT REFORM

The following is a brief summary of some of the important legal aspects of Phase I of the court reform process. Phase I will be complete when Bill 2 is proclaimed and the regulations accompanying it come into force. Proclamation is expected to take place before the summer of 1990.

Changes in structure and names of courts

All Ontario courts (except the Court of Appeal and the Unified Family Court) form part of the Ontario Court of Justice, which consists of two divisions, the General Division and the Provincial Division.

The Ontario Court (General Division) is the result of an amalgamation of the High Court, the District Court and the Provincial Court (Civil Division). In addition to its regular trial court functions, it has two branches, the Divisional Court and the Small Claims Court.

The Ontario Court (Provincial Division) is the result of an amalgamation of the Provincial Court (Criminal Division), the Provincial Court (Family Division) and the Provincial Offences Court. It will exercise its family and criminal jurisdiction through informal specialized divisions. Justices of the peace will continue to preside over most Provincial Offences Act prosecutions.

The Court of Appeal, formerly a branch of the Supreme Court of Ontario, is continued as a separate court, but its name remains unchanged.

--

The Unified Family Court remains unchanged.

Charts showing the existing jurisdiction and structure of Ontario's courts and the effect of Phase I are attached.

Regionalization

The concept of judicial districts disappears, and Ontario is divided into eight regions for judicial purposes. Each region will have a regional senior judge of the General Division, a regional senior judge of the Provincial Division, a regional director of courts administration and a regional director of Crown attorneys. There will also be a Regional Courts Management Advisory Committee in each region.

Note particularly that the Divisional Court will sit (and have filing offices) in each region. Appeals to the Divisional Court are to be heard in the region in which the order appealed from was made, unless the parties agree otherwise. It is expected that three-judge panels for Divisional Court hearings will consist of one judge from the region where the hearing is to be held and two judges sent out from Toronto.

A list of the regions follows, and a map showing the composition of each region is attached. The name of the city or town where the offices of the regional senior judges and regional directors of courts administration and of Crown attorneys will be located appears in the list, in parentheses, after the name of the region.

Northwest Region (City of Thunder Bay).

Northeast Region (City of Sudbury).

East Region (City of Ottawa).

Central East Region (Town of Newmarket).

Toronto Region (City of Toronto).

Central West Region (City of Brampton).

Central South Region (City of Hamilton).

Southwest Region (City of London).

Changes to Rules

A number of changes have been made to the Rules of Civil Procedure, mainly in areas where District and Supreme Court practice differed.

Motions that can be heard by a judge or by a master are made "to the court". In centres that have masters, masters will continue to hear motions, with the assistance of judges as necessary. Elsewhere, judges will continue to hear all motions. Students may appear on motions "to the court" even if they are heard by a judge.

Advance booking of dates for motions and applications is not required unless the matter is to be heard at Toronto and the argument is expected to last more than two hours.

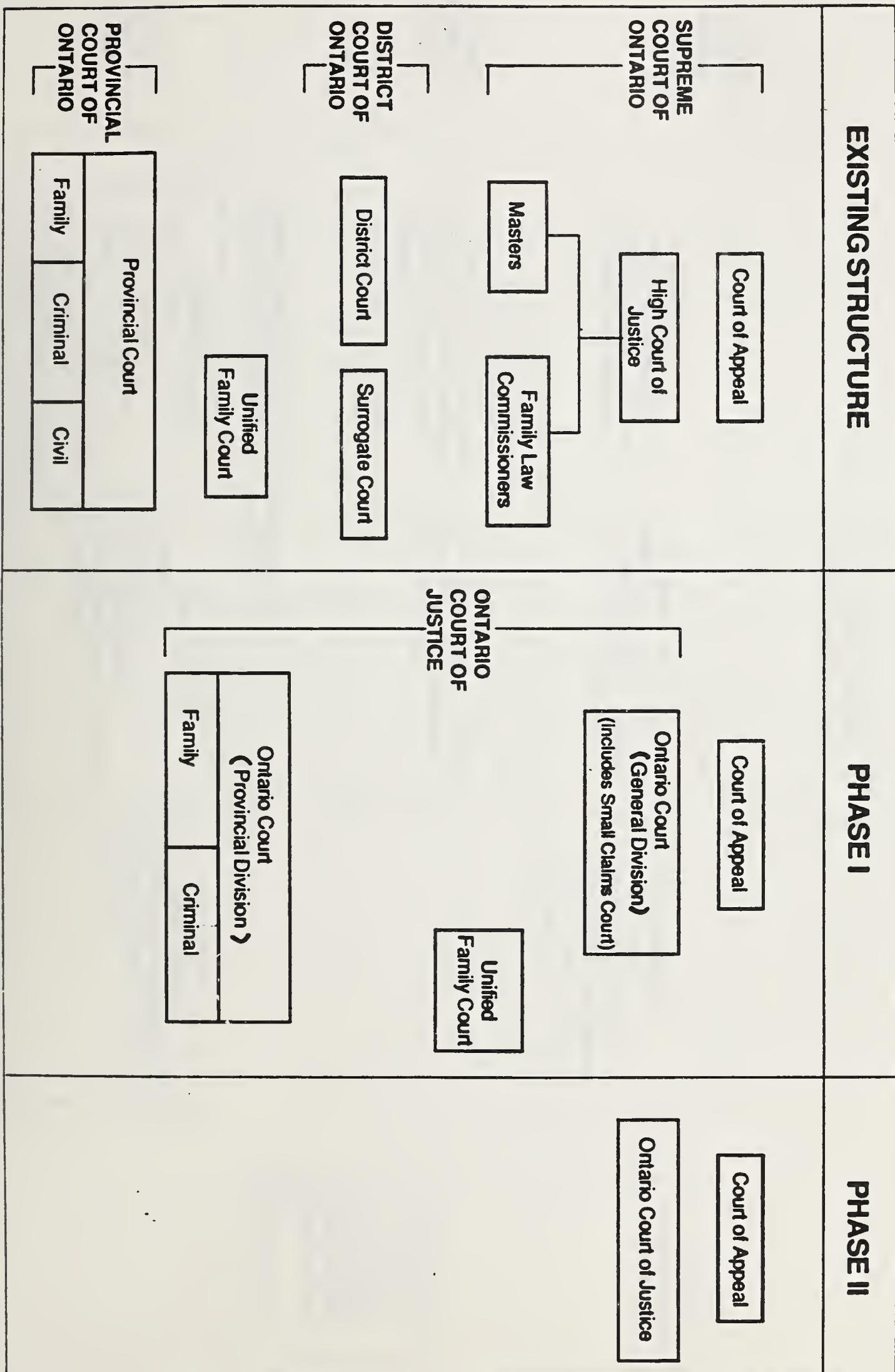
Motion records will be required for all motions except those made without notice.

Divisional Court appeals may be filed at the regional centre where the appeal is to be heard. An application for judicial review may be commenced at any court office, but all subsequent filings must be made at the regional centre where the application is to be heard.

No changes have been made to the rules of any other existing court, but all forms will bear the new court names and outdated references will be changed editorially by stationers and lawyers filed after proclamation of the court reform legislation amendment if they do not contain the correct, new names of the courts. However, old civil forms that refer to old court names are not invalid and may continue to be used for up to one year after proclamation.

PROPOSED RE-STRUCTURING OF ONTARIO TRIAL COURTS

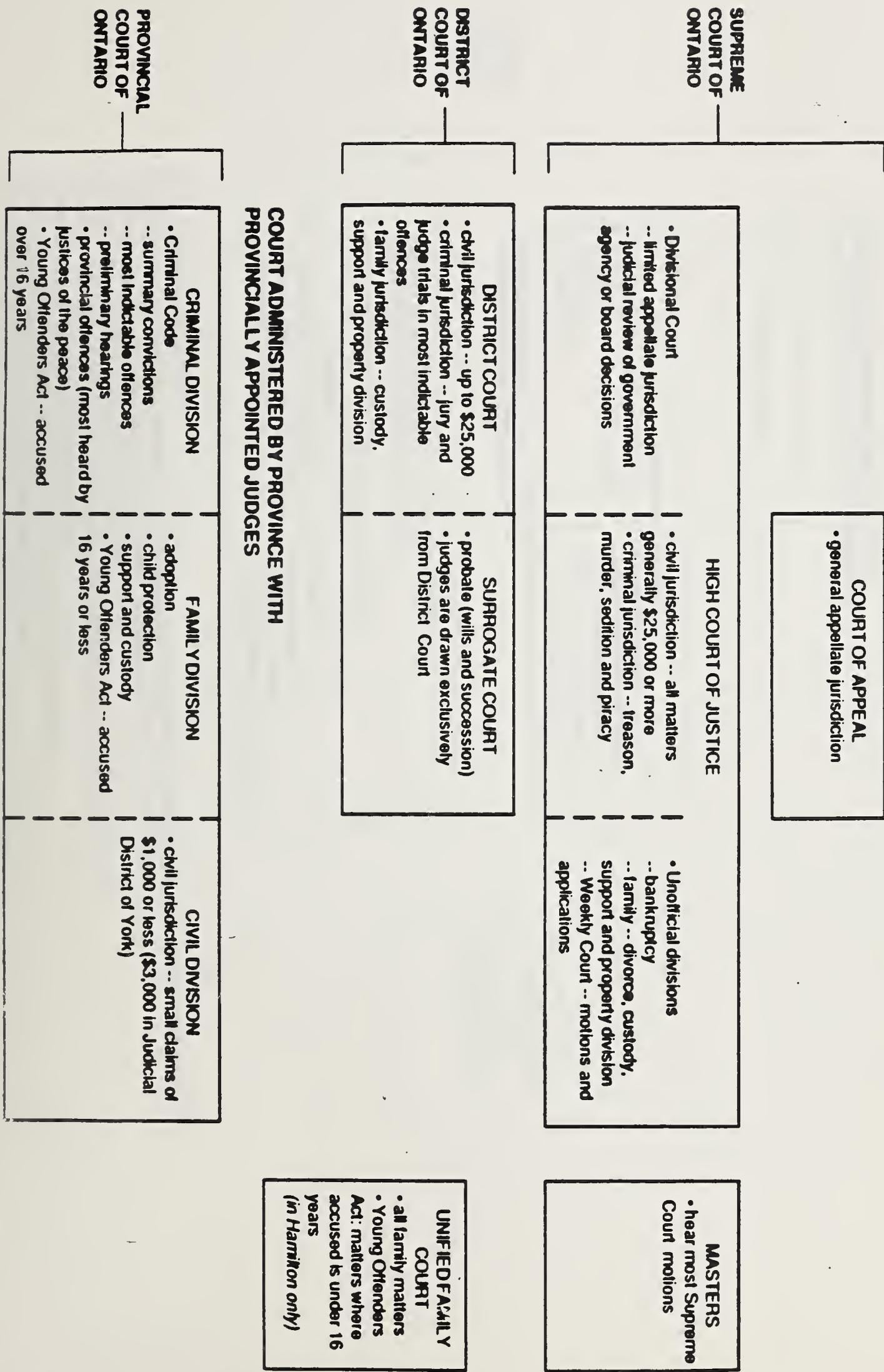
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EXISTING JURISDICTION AND STRUCTURE OF ONTARIO COURTS

COURTS ADMINISTERED BY PROVINCE WITH FEDERALLY APPOINTED JUDGES

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PROPOSED ONTARIO TRIAL COURT STRUCTURE: PHASE I

(to be effective 1990)

MERGER AND REGIONALIZATION OF HIGH AND DISTRICT COURTS

COURTS ADMINISTERED BY PROVINCE WITH FEDERALLY APPOINTED JUDGES

COURT OF APPEAL

GENERAL DIVISION	
• criminal trials and some appeals	• Divisional Court
• family divorce, custody, support, property	• limited appellate jurisdiction
• all civil cases*	• judicial review of government agency or board decisions

*Claims up to \$5,000 will be heard in Small Claims Court. Claims up to \$3,000 can be heard by provincially appointed deputy judges.

COURT ADMINISTERED BY PROVINCE WITH PROVINCIALY APPOINTED JUDGES

PROVINCIAL DIVISION	
CRIMINAL	FAMILY
• trials and preliminary hearings • provincial offences (most heard by justices of the peace)	• adoption • child protection • support and custody • Young Offenders Act ... all ages

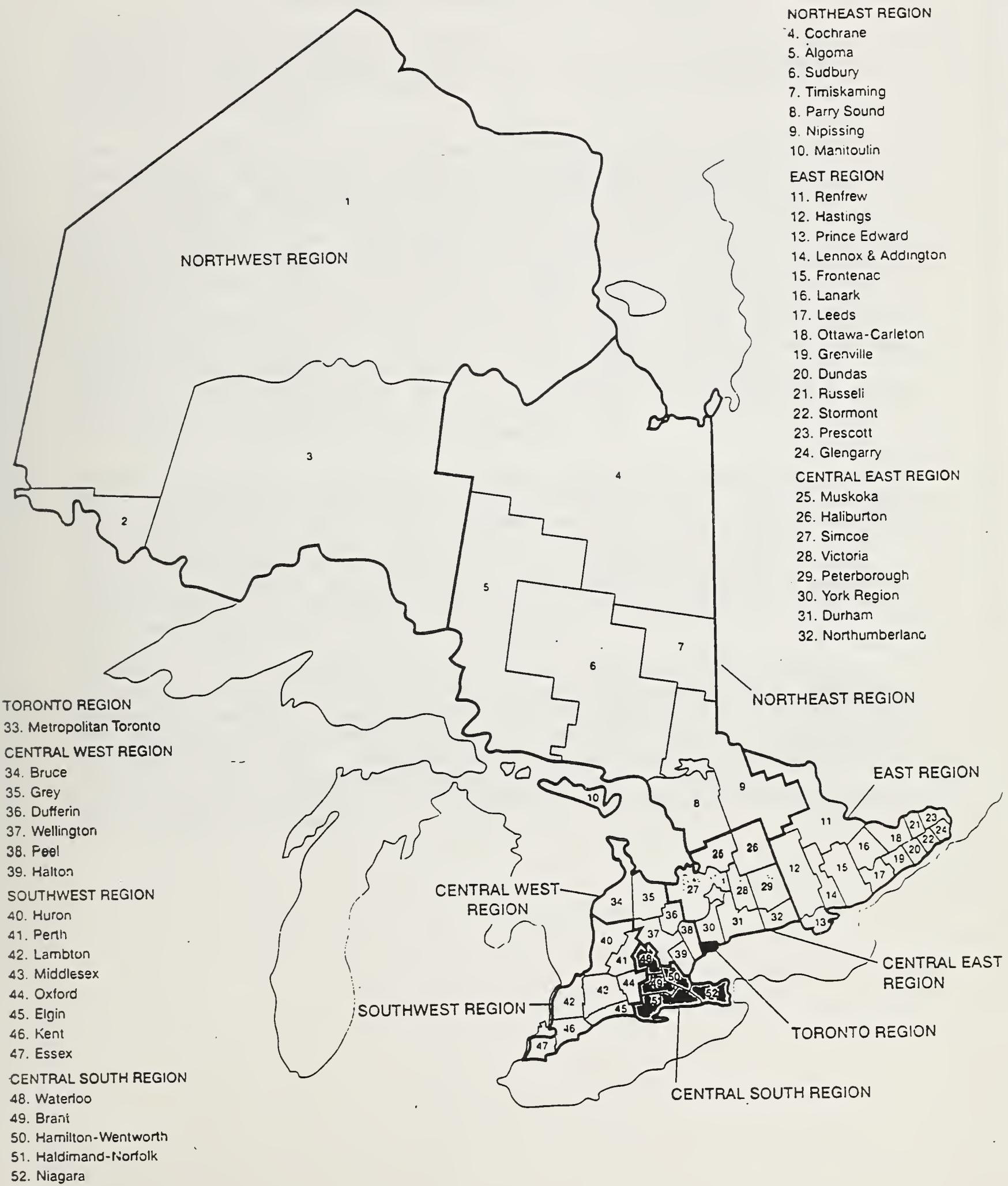
UNIFIED FAMILY COURT (in Hamilton only)	
• all family matters	

STRUCTURAL INITIATIVES

- All trial court services to be available and managed on a regional basis (eight geographic regions, headquartered in Brampton, Hamilton, London, Newmarket, Ottawa, Sudbury, Thunder Bay and Toronto).
- Merger of the High Court and the District Court.
- Abolition of the Surrogate Courts and transfer of their jurisdiction to the merged court.
- Small claims jurisdiction increased to \$5,000.
- Fusion of the divisions of the Provincial Court under one Chief Judge.
- Severance of the Court of Appeal from the merged court.

PROVINCE OF ONTARIO
JUDICIAL REGIONS

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REVISIONS TO TERRITORIAL DIVISIONS

Currently the province is divided into 49 areas for judicial purposes, called counties, districts, judicial districts etc. These 49 territorial divisions were commonly referred to as judicial districts.

When Court Reform is proclaimed there will only be the eight territorial divisions for judicial purposes, called regions, as indicated on the next page (see s.92a of the Courts of Justice Act). Most of the forms prescribed by the Criminal Code and Y.O.A., require the territorial division to be named at the top left corner, and on some forms the territorial division must be entered in the body of the form. This was usually denoted by followed by the words County/District etc. It will be necessary upon proclamation to type in the name of the region (eg. Northeast) and replace the words County/District etc. with the word Region, so that the form would read Northeast Region. This requirement will only need to be implemented as of the date of proclamation, for Criminal Code, Y.O.A., Narcotics Control Act and other federal offences.

It will still be necessary, however, for certain purposes, to be aware of the old county and district boundaries. In particular, the Ministry will continue to organize itself with the counties and districts in mind. In addition, various rules and legislation require proceedings to be brought in a particular county or district rather than a territorial division. These requirements will continue and should be considered to apply to the new areas listed on the next page.

Where it is the county or district boundary that is relevant, please note that we should now use the same name as is used for municipal purpose. For example, we should refer to the Regional Municipality of Hamilton Wentworth, not the Judicial District of Hamilton Wentworth. The municipal names of the old "Judicial Districts" are listed on the following page. Note that exceptions are made for the Regional Municipalities of Niagara and Haldimand-Norfolk.

Schedule

Region	Area
Northwest Region	The territorial districts of Kenora, Rainy River and Thunder Bay.
Northeast Region	The territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming.
East Region	<ol style="list-style-type: none"> 1. The counties of Frontenac, Hastings, Lanark, Lennox and Addington, Prince Edward and Renfrew. 2. The united counties of, <ol style="list-style-type: none"> i. Leeds and Grenville, ii. Prescott and Russell, and iii. Stormont, Dundas and Glengarry. 3. The Regional Municipality of Ottawa-Carleton.
Central East Region	<ol style="list-style-type: none"> 1. The District Municipality of Muskoka. 2. The counties of Haliburton, Northumberland, Peterborough, Simcoe and Victoria. 3. The regional municipalities of Durham and York.
Toronto Region	The Municipality of Metropolitan Toronto
Central West Region	<ol style="list-style-type: none"> 1. The counties of Bruce, Dufferin, Grey and Wellington. 2. The regional municipalities of Halton and Peel.
Central South Region	<ol style="list-style-type: none"> 1. The County of Brant. 2. The regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth, Niagara and Waterloo.
Southwest Region	The counties of Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford and Perth.

ANNEXE**Région****Territoire****Région du Nord-Ouest**

Les districts territoriaux de Kenora, Rainy River et Thunder Bay.

Région du Nord-Est

Les districts territoriaux d'Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury et Timiskaming.

Région de l'Est

1. Les comtés de Frontenac, Hastings, Lanark, Lennox et Addington, Prince Edward et Renfrew.
2. Les comtés unis de :
 - i. Leeds et Grenville,
 - ii. Prescott et Russell,
 - iii. Stormont, Dundas et Glengarry.
3. La municipalité régionale d'Ottawa-Carleton.

Région du Centre-Est

1. La municipalité de district de Muskoka.
2. Les comtés de Haliburton, Northumberland, Peterborough, Simcoe et Victoria.
3. Les municipalités régionales de Durham et York.

Région de Toronto

La municipalité de la communauté urbaine de Toronto.

Région du Centre-Ouest

1. Les comtés de Bruce, Dufferin, Grey et Wellington.
2. Les municipalités régionales de Halton et Peel.

Région du Centre-Sud

1. Le comté de Brant.
2. Les municipalités régionales de Haldimand-Norfolk, Hamilton-Wentworth, Niagara et Waterloo.

Région du Sud-Ouest

Les comtés d'Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford et Perth.



Court Reform
Task Force
Groupe de travail
sur la réforme
des tribunaux

Ministry of
the Attorney
General

Ministère
du Procureur
général

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7th Floor
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M5G 2K1

720, rue Bay
7^e étage
Toronto (Ontario)
M5G 2K1

416/326-4680

MEMORANDUM TO: Dianne Wylie
Operations Support
Courts Administration

FROM: Matthew Garfield

DATE: March 1, 1990

RE: **FEDERAL COMPLEMENTARY LEGISLATION
DEALING WITH PHASE I OF COURT REFORM**

Per your request, this memorandum describes the content and effect of Bill C-60, which upon passage will be called the Ontario Courts Amendment Act, 1989. As of today, Bill C-60 has received Second Reading in the House of Commons. A legislative committee has been struck and will probably hold hearings within the next three weeks. After that, the Bill will require Third Reading in the House of Commons. The Bill will then go through the same process in the Senate. At the end of the process, the Governor General will give Royal Assent. It is difficult to put a time frame on these steps.

Once the legislation is passed, new Letters Patent will have to be issued to the Judges of the Ontario Court (General Division). As well, appointments of the chief justice, associate chief justice and regional senior judges will have to be made.

Bill C-60 amends various federal Acts to give effect to the reconstitution of the courts in Ontario as set out in the Courts of Justice Amendment Act, 1989, chapters 55, 70 (formerly Bills 2 and 81 respectively).

The amendments to most of the federal statutes (eg. the Criminal Code) are simply a matter of changing such terms as "District Court of Ontario", "Supreme Court of Ontario" and "High Court of Justice" to "Ontario Court (General Division)". Another change involves adding the new appellation "judicial region".

The major amendments pertain to the Judges Act. In order for Ontario's Court Reform legislation to be constitutionally valid, the federal Government must amend the section in the Judges Act creating the office and number of federally appointed judges in Ontario. Thus, Section 29(2) allows for the salaries of the Chief Justice and Associate Chief Justice of the Ontario Court and 192 other judges of the Ontario Court (General Division).

M.D.G.

COURT NAMES

- o Ontario's Court Reform legislation, (Bill 2, the Courts of Justice Amendment Act, 1989), establishes the following court names:

<u>PRESENT NAME</u>	<u>NEW NAME</u>
o Supreme Court of Ontario: Court of Appeal	o Court of Appeal for Ontario Cour d'appel de l'Ontario
o Supreme Court of Ontario: High Court of Justice Divisional Court	o Ontario Court (General Division) Cour de l'Ontario (Division générale)
o District Court of Ontario Surrogate Court	o as above
o Provincial Court of Ontario (Civil Division) or Small Claims Court	o Ontario Court (General Division) Small Claims Court Cour de l'Ontario (Division générale) Cour des petites créances
o Unified Family Court	o Unified Family Court Cour unifiée de la famille
o Provincial Court of Ontario: (Criminal Division) (Family Division)	o Ontario Court (Provincial Division) Cour de L'Ontario (Division provinciale)
o Section 158(a) of Bill 2 contains a transitional provision which validates any reference to a court by its previous name for a period of one year.	
o The federal legislation, however, does <u>not</u> contain such a provision.	
o This means that, immediately upon the date of proclamation all federal criminal documents (including young offenders documents) filed in or issued by a court in Ontario must bear the proper new name of the court; otherwise it may be technically defective.	

- o Any criminal proceeding commenced or any criminal document issued prior to court reform will remain valid.
- o The transitional provision has allowed for the inclusion of Section 160 of Bill 2, which states that:

A reference in an Act, rule or regulation to a court set out in column 1 of the Table is deemed to be a reference to the court set out opposite to it in column 2.

TABLE

Column 1	Column 2
1. Supreme Court	Ontario Court (General Division)
2. High Court of Justice	Ontario Court (General Division)
3. county or district court	Ontario Court (General Division)
4. District Court	Ontario Court (General Division)
5. surrogate court	Ontario Court (General Division)
6. small claims court	Small Claims Court
7. Provincial Court (Civil Division)	Small Claims Court
8. provincial court (criminal division)	Ontario Court (Provincial Division)
9. Provincial Court (Criminal Division)	Ontario Court (Provincial Division)
10. provincial court (family division)	Ontario Court (Provincial Division)
11. Provincial Court (Family Division)	Ontario Court (Provincial Division)
12. provincial offences court	Ontario Court (Provincial Division)
13. Provincial Offences Court	Ontario Court (Provincial Division)

COURT SEALS

- The redefining of Ontario's courts under court reform has necessitated the development of new court seals.
- Five seals have been developed after consultation with court offices at all levels and the judiciary. Each seal is set out below:

COURT OF APPEAL FOR ONTARIO
COUR D'APPEL DE L'ONTARIO
with the Royal Coat of Arms without the flourishes

ONTARIO COURT (GENERAL DIVISION)
COUR DE L'ONTARIO (DIVISION GÉNÉRALE)
with the Royal Coat of Arms

ONTARIO COURT (PROVINCIAL DIVISION)
COUR DE L'ONTARIO (DIVISION PROVINCIALE)
with the Ontario Coat of Arms

UNIFIED FAMILY COURT
COUR UNIFIÉE DE LA FAMILLE
with the Royal Coat of Arms

SHERIFF'S OFFICE
BUREAU DU SHERIF
with the Ontario Coat of Arms

- No reference will be made to geographic location as there is no legal requirement for doing so and the name and location of the originating court is indicated in the body of any document.
- Bill 2 contains a transitional provision which validates any reference to a court by its previous name for a period of one year.
- The federal legislation, however, does not contain such a provision.
- This means that immediately upon proclamation, the **new court seal** must be affixed to all documents that would normally be sealed, for matters covered by federal statutes (eg: Criminal Code, Narcotics Control Act, Y.O.A., etc.,)

- o The Operations Support Section will be supplying offices with new court sealing units for use on an interim basis on the above documents while the brass seal insert tendering and manufacturing processes are finalized.
- o It is our understanding that provincial family courts do not seal young offender documents.
- o Section 23 of the Canada Evidence Act provides a vehicle for a party to produce documents about a judicial proceeding, as evidence in a separate proceeding, without the need to call witnesses to authenticate the document. This section only applies to legal proceedings pursuant to federal law. One manner in which this may be carried out is for the court office to provide a certified copy under the seal of the court. As the federal legislation does not contain any transitional provision it will be necessary for these types of documents to be sealed using the seal with the new name of the court. This requirement is effective immediately upon the proclamation of court reform. Criminal and Family Court offices, as well as the General Division, will therefore be issued small hand-held court seals, showing the new name of the court, prior to proclamation.
- o The temporary units are light and hand held but will seal only two or three pages at a time.
- o The cast iron units which are sturdier and have the capability of impressing the seal on many pages at once are no longer being manufactured.
- o The tendering process is underway for manufacturing the inserts to be used throughout the province. It is estimated that the timespan for tendering, manufacturing and delivery will be approximately 6 months. In addition, those offices which now have only one seal will be given first priority and will be provided with a new hand-held seal to be used until the brass seal inserts are distributed.
- o Based upon the results of a questionnaire, it appears that most of the court offices cannot have the seal inserts replaced locally. In addition the manufacturer will not guarantee the seal inserts unless they also install them.

- o Regions/offices are to decide if they wish to have the seal inserts replaced locally, and if so, they will be sent the appropriate number of inserts.
- o Court offices sending their cast iron sealing units to the manufacturer should secure an identifying marker, such as an airline baggage tag to each seal to be assured of having their own sealing unit returned.
- o PDB will pay for the new hand held seals, the brass inserts and their installation.

COURT STAMPS

- o Court stamps will be revised to correspond with changes created by court reform and to reflect translation under the French Language Services Act.
- o In order to determine the number and complexity of the most commonly used stamps at each level of court, a request for such information was made to seven varying levels of court offices. We are currently in the process of analyzing the responses.
- o The wording for stamps most commonly used in each office will be revised by the Operations Support Section of the Program Development Branch (PDB) and will then be forwarded to French Languages Services (FLS) for translation. A copy of the list of common stamps will be forwarded to each office.
- o FLS has advised that the time required to complete translation will depend upon the complexity of the stamps as well as the number of stamps requiring translation.
- o Offices will be provided with appropriate wordings in order to arrange for the manufacturing of the stamps locally. Program Development Branch will incur the translation costs and should also be sent the invoices for the manufacturing costs.
- o Each court office will be responsible for determining which of their other stamps require translation. This is determined by whether the stamp is affixed to a document normally returned to the public. Once determined, a copy of each stamp imprint is to be forwarded to N.T.N. Communications for translation.

N.T.N. Communications
1969 Avenue Fairbanks,
Ottawa, Ontario
K1H 5Y5

- o Costs of the translation will be paid for by the PDB. Upon receipt of the translated version, offices will be expected to arrange for the manufacture of these stamps locally. Invoices for those costs are to be sent to PDB.
- o NOTE: Since the federal legislation does not contain a provision which allows the court to be referred to by its previous name after court reform is proclaimed, criminal forms, relating to federal offences and stamps which are embodied in criminal forms, should reflect the new name of the court immediately upon proclamation of court reform. Priority will be given to changing those stamps which are inserted into criminal and young offender documents in both divisions and which reflect the name of the court. An example of a stamp which becomes a part of a document: "This judgment bears interest at the rate of %"

COURT FORMS - CHANGE OF NAMES
COURTS ADMINISTRATION DIVISION

Program Development Branch and the Forms Management Section of Computer and Telecommunications Services Branch are currently engaged in a program to review all court forms and make necessary changes for the implementation of Court Reform.

The annual Bulk Order Requisitions were sent out in February and March of 1990 to supply offices with forms for the period of August 1990 to September of 1991. All forms supplied on this order will reflect the necessary changes for the implementation of Court Reform. When completing this order please keep in mind that you may have to destroy existing supplies of some forms due to the change in court names. It will be necessary this year to order a supply of every form to ensure that you have a quantity on hand to use when existing stock is depleted, or after the one year transitional period expires.

If Court Reform is not implemented by the time you receive your new bulk order, it will be necessary to continue using the old forms until Court Reform is proclaimed.

If Court Reform is proclaimed we recommend you destroy any old forms of which you have a minimal supply as soon as you receive the new forms.

If you have large quantities of a particular form, we recommend you continue to use them up until one year after Court Reform has been proclaimed in effect.

A review of Criminal forms has been completed and Program Development Branch will be supplying your offices with revised copies of the most critical forms to ensure they are in the court offices when Court Reform is implemented. The attached "Schedules A and B" for Local Registrars and Criminal Courts list the forms that will be replaced as well as those forms that should be changed manually by the court offices. Samples of forms are included showing the changes to court names which will be required after the implementation of Court Reform. The order to replace the forms identified in schedule A has been forwarded to Purchasing and supplies will be arriving in your offices in the next few weeks. These forms will reflect the new court names and should not be used prior to the implementation of Court Reform.

In addition to the above form YO-059 "Notice (sec 45.1)", Young Offenders Act, has also been ordered and will be forwarded to all Family Courts Offices.

When making manual changes to forms, please refer to new names of the courts, regions, and revised names of municipal boundaries presented earlier in this booklet. All forms ordered on the current bulk order system will be reviewed by Program Development Branch to ensure changes have been made correctly. All forms ordered outside the bulk order system must be updated by the office ordering them, as we do not review requisitions other than those on the bulk order system.

OFF-SITE STORAGE OF FORMS

This year we are offering court offices the option of storing surplus forms in a Warehouse facility. All offices will be allowed to store 75% of any form ordered, over a volume of 4000 copies, off site. The private warehouse will ship the forms to the individual offices on three predetermined dates; three, six and nine months after delivery of the forms to the storage facility. Courts will be able to contact the warehouse at any time to arrange for emergency shipments if necessary.

BULK ORDER - LETTERHEADS, ENVELOPES AND CALLING CARDS

Judges Offices

A special bulk order will be developed and forwarded to the Chief Judge of the Small Claims Court as well as to Local Registrars and Provincial Courts Family and Criminal Division administration for the replacement of Judges stationery supplies. The bulk order will be forwarded as soon as the format of the new forms has been approved by the appropriate Judges. The order will include sample formats of approved letterheads, memos, envelopes and calling cards for all Judges Offices. Individual offices will be requested to attach samples of existing forms and indicate volumes required on each sample. Please ensure the samples are correct as they will be used to transfer names, titles, address, and telephone number to the new formats.

Courts and Offices

The regular AG bulk order will be forwarded to all offices, along with samples of the approved formats for letterheads and envelopes. This order will be processed in the same manner as the Judges bulk order. Calling cards do not appear on the AG bulk order due to the large number of cards required. Samples of the approved formats for calling cards will be issued to all courts and offices with instructions on ordering the new cards. Calling cards will be replaced only as present stocks are depleted.

Volume purchasing can reduce the cost of forms by thousands of dollars. We urge all offices to take advantage of this cost saving by ordering a complete years supply of all forms on the Bulk Order.

LOCAL REGISTRAR - SCHEDULE A

These forms are being replaced for you. Supplies will be sent to your offices as soon as possible.

Form # Form Name

RR-212 Certificate of Filing

RR-267 Order on Abandoned Appeal

RR-268 Order Allowing an Appeal

RR-269 Order on Conviction on Appeal

RR-270 Notice of Appeal (for inmate appeals)

RR-274 Order on Dismissal of Appeal

RR-408 Remand for Person on Bail

RR-412 Writ of Fieri Facias

RR-419 Probation Order

LOCAL REGISTRAR - SCHEDULE B

Note: These forms will be replaced with your next bulk order shipment. Manual changes, as outlined in the memorandum, are to be made by court staff whenever one of these forms is used.

<u>Form #</u>	<u>Form Name</u>
RR-400	Bench Warrant Executed/Rescinded
RR-402	Warrant of Committal Upon Conviction
RR-404	Order and Warrant Remanding Accused to Custody for Observation
RR-405	Recognizance to keep the Peace
RR-406	Warrant of Committal
RR-409	Warrant Remanding a Prisoner
RR-411	Warrant for Arrest
RR-413	Certificate of Conviction/Acquittal Sentence
RR-417	Order for Production of a Prisoner
RR-418	Warrant Remanding a Prisoner Accused/Witness
RR-420	Judicial Interim Release Order
RR-421	Application for Extension of Time to Pay Fine

- RR-422 Order to Extend Time to Pay Fine
- RR-423 Notice of Fine and Due Date
- RR-424 Certificate of Default in Payment of Fine
- RR-425 Certificate of Filing
- RR-429 Warrant for a Witness
- RR-430 Warrant of Committal for Contempt
- RR-431 Warrant of Committal on Forfeiture of a
Recognizance
- RR-432 Prohibition Order
- RR-433 Undertaking Given to a Justice or a Judge
- RR-435 Notice of Estreat Court Hearing

**EXAMPLES OF
LOCAL REGISTRAR FORMS
REQUIRING MANUAL CHANGES BY
COURT STAFF**

BENCH WARRANT EXECUTED/RESCINDED
EXÉCUTION/ANNULATION DU MANDAT DÉCERNÉ PAR LE JUGE SAISI

Ontario Court (General Division)

COURT FILE NO.
Nº DU DOSSIER
DE LA COUR~~Court of Ontario~~

Cour de l'Ontario (Division générale)

Accused Date of Birth/*Date de naissance*
PrévenuCharge
*Accusation*Date Warrant Issued
*Date où le mandat a été décerné*Officer in Charge
Fonctionnaire responsable

Division

Date , 19

Judge
Juge

Local Registrar/greffier local

CANADA, PROVINCE OF ONTARIO
CANADA, PROVINCE DE L'ONTARIO

RECOGNIZANCE TO KEEP THE PEACE
ENGAGEMENT DE NE PAS TROUBLER L'ORDRE PUBLIC

Ontario Court (General Division)
.....
cour

Her Majesty the Queen
Sa majesté la reine
v./c.

(Form 28) (Section 745)
(Formule 28) (article 745)

Cour de l'Ontario (Division générale)

COURT FILE NO.
Nº DU DOSSIER DE LA COUR

BE IT REMEMBERED that on this day, the persons named in the following schedule personally came before me and severally acknowledged themselves to owe to Her Majesty the Queen the several amounts set opposite their respective names: namely,
SACHEZ que, ce jour, les personnes nommées dans la liste qui suit ont personnellement comparu devant moi et ont chacune reconnu devoir à Sa Majesté la Reine les diverses sommes indiquées en regard de leurs noms respectifs, savoir:

NAME NOM	OCCUPATION PROFESSION	AMOUNT MONTANT	CASH ESPÈCES
-------------	--------------------------	-------------------	-----------------

ACCUSED:
PRÉVENU: _____

Date of Birth/Date de naissance

Address
adresse: _____

SURETY:
CAUTION: _____

Address
adresse: _____

SURETY:
CAUTION: _____

Address
adresse: _____

SURETY:
CAUTION: _____

Address
adresse: _____

to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of Her Majesty the Queen, if the said accused fails in the condition(s) hereunder written.

lesdites sommes devant être prélevées sur leurs biens et effets, terres et ténements, respectivement, pour l'usage de Sa Majesté la Reine, si ledit prévenu ne remplit pas la ou les conditions ci-après énoncées.

Taken and acknowledged before me at
Fait et reconnu devant moi à _____

le _____ 19 _____

Judge or Local Registrar
Juge ou greffier local

The condition(s) of the above written recognizance is that If the above named accused keeps the peace and is of good behaviour for the
L'engagement écrit ci-dessus est subordonné à la (eux) condition(s) que si le prévenu susmentionné ne trouble pas l'ordre public et ob-

term of
serve une bonne conduite pendant _____ months commencing on
mois à partir du _____

AND
ET _____

Other conditions
autres conditions

the said recognizance is void, otherwise it stands in full force and effect.
ledit engagement est nul mais qu'en cas contraire il a pleine force et plein effet.

(Signature of Surety)
(signature de la caution)

(Signature of Surety)
(signature de la caution)

(Signature of Surety)
(signature de la caution)

(Signature of Accused)
(signature du prévenu)

SCHEDULE A - CRIMINAL COURTS

These forms are being replaced for you. Supplies of each form will be sent to your office as soon as supplies are available.

<u>Form #</u>	<u>Form Name</u>
CC-601	Certificate of Conviction
CC-628	Certificate of Conviction Sec. 667
CC-1311	Order Pursuant to Secs. 103(1) or 103(2) of Crim. Code
CC-1727	Summons to a person bound by a Probation Order
CC-2032	Warrant to Search for and seize Firearms other Offensive weapons, ammunition
CC-2045	Warrant for arrest (Form 7)

EXAMPLE OF CHANGE

YOU WILL NOTE ON

RECEIVING NEW FORMS

IN THE NEXT FEW WEEKS

YOUTH COURT
CANADA
PROVINCE OF ONTARIO

REVISED FORM
NOTICE
(Section 45.1(1) of The Young Offenders Act)

(County/district, etc.)

Region

To:
(Name and Address of Youth)

And To:
(Name and Address of Keeper of Record)

Take note that an application will be made to a youth court judge for an order that the record of the above-named youth be made available for inspection to the undersigned applicant, and that such application will be made to a youth court judge on 19....., at: a.m./p.m.

At: PROVINCIAL COURT (CRIMINAL FAMILY DIVISION)
ONTARIO COURT (PROVINCIAL DIVISION)

EXISTING FORM

YOUTH COURT
CANADA
PROVINCE OF ONTARIO

NOTICE
(Section 45.1(1) of The Young Offenders Act)

(County/district, etc.)

To:
(Name and Address of Youth)

And To:
(Name and Address of Keeper of Record)

Take note that an application will be made to a youth court judge for an order that the record of the above-named youth be made available for inspection to the undersigned applicant, and that such application will be made to a youth court judge on 19....., at: a.m./p.m.

At: Provincial Court (Criminal Family Division)

And take note that if you wish to be heard or to make submissions to the judge with respect to this application you may do so by attending at the time and place noted above.

If you are represented by counsel, you may wish to have him/her with you to make submissions to the judge on your behalf.

If you and/or your counsel do not attend, the hearing of the application herein may proceed in your absence.

Dated at: , on:

YO - 59

..... (Applicant)

SCHEDULE B

CRIMINAL COURTS -JUDICIAL DISTRICT FORMS

NOTE: ON EACH FORM, COURT OFFICE STAFF ARE REQUIRED TO DELETE REFERENCE TO JUDICIAL DISTRICT AND REPLACE WITH APPROPRIATE DESIGNATION i.e. Regional Municipality

<u>Form #</u>	<u>Form Name</u>
CC-010	Information Summons (Continuous) Judicial Dist.
CC-034	Warrant to Search (form 5) Judicial District
CC-187	Subpoena to a Witness (form 16) Judicial Dist.
CC-920	Information to obtain Search Warrant (form 1) Jud. Dist.
CC-922	Information Threatening 745 Judicial District
CC-927	Information single accused no more than 2 charges Jud. District.
CC-931	Information - Drive while disqualified Judicial District
CC-1417	Promise to appear (form 10) Judicial District
CC-1577	Record of reasons for making detention order Jud. Dist.

**EXAMPLES OF
CHANGES REQUIRED
TO BE MADE BY
COURT STAFF
UNTIL NEW FORM RECEIVED
BY BULK ORDER IN
AUGUST - SEPTEMBER 1990**

SUBPOENA TO A WITNESS
ASSIGNATION À UN TÉMOIN

CANADA
 PROVINCE OF ONTARIO
 PROVINCE DE L'ONTARIO
 DISTRICT JUDICIAIRE
 DISTRICT JUDICIAIRE
 Region/Région

To/à:
 Of/de:

WHEREAS of
 ATTENDU QUE de

..... has been charged that he, on or about
 a été inculpé d'avoir le ou vers
 the day of , 19 at
 le jour de à
 in the said region did commit the offence of:
 dans le région de commis l'infraction consistant à:

and it has been made to appear that you are likely to give material evidence for the prosecution or defence
et qu'on a donné à entendre que vous êtes probablement en état de rendre un témoignage essentiel pour la poursuite ou la défense

THEREFORE, this is to command you to attend before the presiding ~~provincial~~ judge or justice on the
À ces causes, les présentes ont pour objet de vous enjoindre de comparaître devant le juge présidant à la Cour provinciale ou le juge de paix le

..... day of , 19 , at M , at
 jour de , à heures, à
 courtroom
 à la salle d'audience

(ignore if
not completed)

(ne s'applique
que si rempli)

- to give evidence concerning the above charge;
pour rendre témoignage au sujet de ladite inculpation;
- and to bring with you anything in your possession or under your control that relates
et d'apporter avec vous toute chose en votre possession ou sous votre contrôle qui
 to the said charge, and more particularly the following: (specify any documents, objects or
se rattache à ladite inculpation, et en particulier les suivantes: (indiquer les documents,
 other things required).
les objets ou autres choses requises).

Dated the day of , 19 , at
 Date du jour de à

CANADA
PROVINCE OF ONTARIO
JUDICIAL DISTRICT OF
.....
(Comté, district, etc.)
Region

(check one)

I, a
peace officer, make oath and say that I did, on the day of
....., 19 serve
the witness named in the attached subpoena with a true copy of the
subpoena, in the manner indicated below, namely:
 by delivering it to him/personally;
 by leaving it for him/her at his usual place of abode with
....., an inmate thereof who ap-
peared to be at least sixteen years of age, because the witness
could not conveniently be found;
and at the time making service, I showed
the original copy of the subpoena.

Sworn before me this day of

....., 19.....
at_____
signature of deponent

P.C. No. Div.

A commissioner, etc.

CANADA
PROVINCE DE L'ONTARIO
DISTRICT JUDICIAIRE DE
.....
(Comté, district, etc.)

Région

Moi, , agent
de la paix, jure et affirme que le , 19 ,
j'ai signifié au témoin nommé dans l'assignation ci-jointe une copie
conforme de l'assignation de la manière suivante:
 en la lui remettant personnellement;
 étant donné que le témoin ne pouvait être commodément trouvé,
en la remettant pour lui à sa dernière ou habituelle résidence,
entre les mains de ,
qui l'habite et qui paraît âgé(e) d'au moins seize ans;
et au moment de la signification, j'ai produit l'original de la présente
assignation.

Assermenté devant moi le jour
de , 19.....
à/au

Commissaire, etc.

signature du déposant

P.C. No. Div.

JUDICIAL GOWNS

- o Under court reform, the gowns of the judiciary of the Ontario Court (General Division) are to be standardized.
- o The new attire will consist of a black silk Q.C. gown supplemented with a detachable orange/red sash running from the right shoulder diagonally across to below the left hip.
- o It is the intention to reface existing gowns; where a gown cannot be properly reconditioned, a new one may be purchased.
- o Gowns of the 170 District Court judges will require either refacing (including a new sash and collar), or replacing, whereas the gowns of the 58 High Court justices will require new sashes only.
- o Chief Justice Callaghan has agreed that judges may continue to wear their existing gowns after court reform is implemented, should they be unable to have a gown refaced/replaced before that time.
- o Refacing and/or purchasing arrangements are to be coordinated by the Local Registrars. Gowns for refacing or requests for replacing are to be sent directly to

D. Shuter Robes Ltd.
26 Duncan Street
Toronto, Ontario
M5V 2B9
(416) 977-3857
FAX 977-1777

- o The contract with D. Shuter Robes Ltd. has been extended until May 31, 1991.
- o Invoices will be returned with the gowns. The judge/Local Registrar is to acknowledge on the invoice that satisfactory goods have been received.
- o The invoice is then to be sent directly to

Program Development Branch
720 Bay Street, 2nd Floor
Toronto, Ontario
M5G 2K1
(416) 326-4002
ATTENTION: PETER JACKSON

who will be responsible for payment.

- o Program Development Branch will incur the cost of either refacing existing gowns or replacing a gown for each member of the judiciary.
- o Any future replacement costs will be the responsibility of each court office in the normal fashion.

JUDICIARY

Addressing

- o Every judge of the Ontario Court (General Division) and of the Unified Family Court may be addressed as "Your Honour" or "(Mr. or Madame) Justice (naming the judge) (CJA s. 100b).
- o A judge appointed to the High Court of Justice prior to the implementation of Court Reform, may elect to be addressed as "My Lord/My Lady", as is the present practice, instead of "Your Honour" (CJA s. 100b).
- o A judge of the Court of Appeal for Ontario may continue to be addressed according to the current practice ("My Lord/My Lady").
- o A judge of the Ontario Court (Provincial Division) may continue to be addressed according to the current practice ("Your Honour").

Relocating of Justices of High Court

- o 12 justices have elected to relocate to the following locations:
 - . Ottawa (6)
 - . Hamilton (3)
 - . London (2)
 - . Whitby (1)
- o Other justices may elect over time to relocate to areas outside of metropolitan Toronto.

**SUMMARY OF SIGNIFICANT RULE CHANGES TO BE IMPLEMENTED
WITH COURT REFORM**

Rule 3.04 - Court office hours

- o Rule revoked; to be an administrative decision of the Ministry; Regional Directors recently directed that minimal public office hours will be 8:30 a.m.- 4:45 p.m. effective April 1, 1990.

Rule 37 - Motions

- o r. 37.04 - provides that a motion shall be made to "the court", if the motion is within the jurisdiction of a master, or to a judge. Masters will normally hear motions to "the court" in those locations where masters are currently located, with the assistance of the judiciary. In other locations, judges will hear all motions.
- o r. 37.05(1) - requires pre-booking of motions if it is anticipated by counsel that the motion will take longer than 2 hours (in Toronto exclusively); local practices may continue/develop for scheduling lengthy motions.
- o r. 37.10(1) - a motion record will be required for all motions on notice.

Rule 38 - Applications

- o r. 38.03(2)-(3) - revoked; no longer necessary to allow for transfer of an application to the High Court.
- o r. 38.04 - the party issuing can name any place where court normally sits as place of hearing; a date for hearing must be pre-arranged only in Toronto if it is anticipated by counsel that the application will take longer than 2 hours.

Rule 54 - References

- o r. 54.09(1) - a motion to oppose confirmation of a report may be brought before a judge other than the one who conducted the reference; applicable to motions to oppose confirmation of a report of an assessment officer on a solicitor and client assessment.

Rule 58 - Assessment of Costs

- o r. 58.02 - costs must be assessed in the place where the proceeding was commenced or heard, or in the county agreed on by the parties.
- o r. 58.05 - revoked; mechanism no longer provided by which assessment may be moved to Toronto, unless in accordance with r. 58.02.

Rule 61 - Appeals to an Appellate Court

- o r. 61.02 - in an appeal to Divisional Court, Registrar means the registrar of the Ontario Court (General Division) office in the regional centre where the appeal is to be heard; refer to s. 18 of the Courts of Justice Amendment Act, 1989 to determine jurisdiction of Divisional Court.
- o r. 61.04(5) - provides for filing of material with Divisional Court by prepaid regular mail.
- o r. 61.12(1) - allows the respondent to bring a motion before the Registrar to dismiss the application for delay.
- o r. 61.12(2) - indicates that the Registrar may serve notice on an applicant if certain filings are not completed within appropriate time periods.
- o r. 61.12(3) - requires the Registrar to dismiss an application where the default is not cured.

Rule 62 - Appeals from Interlocutory Orders, and other Appeals to a Judge

- o r. 62.01 - provisions of rule 62 apply to appeals to a judge from an interlocutory order of a master, a certificate of assessment of costs or under any other statute, unless the statute or a rule provides otherwise.
- o r. 62.01(6) - place of hearing of the appeal is to be determined in accordance with r. 37.03 (place of hearing of motions).
- o r. 62.02(1) - a motion for leave to appeal to Divisional Court from an interlocutory order of a judge shall be brought before a judge other than the one who made the order.

Rule 64 - Mortgage Actions

- o r. 54.02 - provides that a reference may be directed to a judge, master or registrar in the county where the action was commenced.

Rule 68 - Applications for Judicial Review

- o r. 68.01(1) - provides that an application for judicial review can be brought before a judge of the Ontario Court (General Division), as well as to Divisional Court; authority of General Division set out in s. 6(2) of the Judicial Review Procedure Act.
- o r. 68.01(2) - authorizes the commencement in any court office of an application for judicial review to Divisional Court; indicates that the application, once commenced, must be transferred to the court office of the Ontario Court (General Division) located in the regional centre where the application is to be heard; Divisional Court applications shall be heard in each of the eight regional centres; the Chief Justice may determine additional locations.
- o r. 68.02(2) - indicates that Rule 38 will apply to applications for judicial review to a judge of the Ontario Court (General Division).
- o r. 68.06(1) - allows the respondent to bring a motion before the registrar at the Divisional Court regional centre to dismiss the application for delay.
- o r. 68.06(2) - indicates that the registrar at the Divisional Court regional centre may serve notice on an applicant if certain filings are not completed within appropriate time periods.

Rule 72 - Family Law Proceedings

- o r. 72.03(1) - provides that r. 72.01 and 72.02 apply to an appeal from an order of the Unified Family Court to Divisional Court.

Rule 73 - Payments into and out of Court

- o r. 73.01 is amended to define "accountant" as the Accountant of the Ontario Court (formerly Supreme Court Accountant) and registrar as the registrar in the location where the proceeding was commenced.
- o r. 73.02-73.05 have been amended to provide that payments into and out of court, outside Toronto, shall be made to the accountant with the specific exception of payments into court under the Landlord and Tenant Act and the Repair and Storage Liens Act, which payments are to be maintained locally by the registrar. In Toronto, all payments in and out of court will be made by way of the Accountant of the Ontario Court, regardless of the legislation under which the funds are deposited.

All payments into court outside Toronto would be handled as Supreme Court payments presently are and each local office would assist litigants with payments out of court if requested (preparing and forwarding the necessary documentation to the Accountant). Excepted are those payments into court under the Landlord and Tenant Act and the Repair and Storage Liens Act, which payments are to be handled in the same manner as local payments in and out normally are.

- o r. 73.02(7) - provides that all money paid into court outside Toronto, under the Landlord and Tenant Act and the Repair and Storage Liens Act, that is not paid out within one year of being paid in shall be transferred to the Accountant of the Ontario Court.

ANNOUNCING THE OPENING OF COURT

- o In the section of the Courtroom Procedures manual entitled: "General Proclamations by Registrar" the Openings and/or Closings for:

Supreme Court

District Court

Divorce Actions

Motions Court

Construction Lien Sittings

Surrogate Court

have been reviewed.

- o The following proclamations have been approved for all matters in the Ontario Court (General Division) including Small Claims Courts presided over by Judges of the General Division.

COURT OPENING

OYEZ, OYEZ, OYEZ: ANYONE HAVING BUSINESS BEFORE THE QUEEN'S JUSTICE OF THE ONTARIO COURT OF JUSTICE ATTEND NOW AND YOU SHALL BE HEARD.

LONG LIVE THE QUEEN.

CLOSING FOR THE DAY

OYEZ, OYEZ, OYEZ: ANYONE HAVING FURTHER BUSINESS BEFORE THE QUEEN'S JUSTICE OF THE ONTARIO COURT OF JUSTICE MAY NOW DEPART AND ATTEND HERE AGAIN _____ MORNING AT _____ O'CLOCK.
LONG LIVE THE QUEEN.

CLOSING COURT AT END OF SITTINGS

OYEZ, OYEZ, OYEZ: THE SITTINGS OF THIS COURT ARE NOW CONCLUDED.

LONG LIVED THE QUEEN.

- o Steps are underway to obtain approval for a similar set of common live proclamations for use in the Ontario Court (Provincial Division) and Small Claims Courts presided by Judges of the present Provincial Court (Civil Division) and Deputy Judges.
- o Revisions to the Courtroom Procedures Manual will be circulated.

MATTERS CONCERNING SMALL CLAIMS COURTS

- o At the time of proclamation of Bill 2, the name, and therefore the court seal, court forms, court stamps and office stationery will be affected.
- o It should be noted that the Small Claims Court will become a branch of the Ontario Court (General Division) under court reform.
- o The status of clerks, bailiffs and referees will be unaffected. - Refer to CJA s 32 and s. 52(1)(g).
- o The Minister has announced that the monetary jurisdiction will be increased in 1990. The date is, as yet, unannounced, however the project team is working towards a fall date.
- o Section 23(3) prohibits a deputy judge from adjudicating on issues in excess of "the prescribed amount". A Regulation filed on December 14, 1989, and to take effect upon proclamation of Bill 2, sets the "prescribed amount" at \$1,000.00. It is anticipated that this amount will be raised to \$3,000.00 when the jurisdiction is increased.
- o An increase of approximately 5% in the volume of claims filed is anticipated in Metropolitan Toronto as a result of the jurisdictional increase; an increase of approximately 33% is anticipated in the rest of the province.
- o Bulk Order for Forms are to be increased outside Metro by approximately 33% above the normal requirement

COURT REFORM - REGISTRARS/SHERIFFS

Effective upon proclamation of court reform legislation:

- Deputy Attorney General will designate Assistant Deputy Attorney General and Regional Directors to assign powers/duties of officials, including:
 - Registrars/Local Registrars
 - Sheriffs
 - Assessment Officers
 - Official Examiners
- Designees will assign powers and duties to appropriate individuals
- Existing Orders-in-Council will be revoked and concurrently replaced with documents formalizing the above processes

Other Assessment Officers may be appointed by Order-in-Council

TORONTO - FACILITY ISSUES

TENTATIVE PLANS

Trial Scheduling Function:

A combined trial scheduling office will be established on the 4th floor of 361 University Ave.

All Civil and Criminal matters relating to the Ontario Court (General Division) will be dealt with through this office.

Civil - Mr. Bill Sheehan

Criminal - Mr. Jack Hughes

The staff of these officials will be located on the 4th floor, together with the staff of the former Supreme court Trial office.

The physical arrangements will take some time. However the concept of single trial office will be implemented upon proclamation of the relevant legislation.

Other staff relocation:

Court clerks will be relocated - probably on the 4th and 3rd floors of 361 University Ave.

Court Cases - Filing and Trial:

In civil matters Statements of Claim will be given an alpha suffix to indicate the location from which they are issued:

361 University Ave. - a "U".

145 Queen St. West - a "Q".

All subsequent material will have to be filed at the issuing location. The numbering of files will be re-started from the date of proclamation.

Motions and interlocutory matters will be heard in 5 courtrooms at Osgoode Hall. All long motions will be set down at 145 Queen St. West.

Notices of motion and applications for short motions may be filed at 361 University Ave. or 145 Queen St. West.

Landlord and Tenant and Party and Party assessments will be heard by court officials at 361 University Ave. Assistance to the Master who will be picking up some of the District court contested practice motions will be provided by the Deputy Local Registrars who will do the bulk of the Party and Party assessments

Landlord and Tenant matters will continue to be heard at 361 University Ave. However the location of the courtrooms has not been decided as yet.

Family law and undefended divorce matters will continue to be filed at 145 Queen St. and will be heard there. Undefended divorces are now being dealt with by District Court Judges at 361 University Ave.

Criminal matters will be dealt with solely at 361 University Ave.

Accommodation will have to be found for the Supreme and District Court Reporters close to the Courthouse i.e on Elizabeth Street.

QUESTIONS AND ANSWERS

GENERAL

- Q. How realistic are the projected implementations dates, in other words isn't June 1, 1990 unrealistic?
- A. The implementation date was not originally an overly ambitious date; developments in Ottawa have held up the Federal Legislation.
- Q. When will Regional Courts Management Advisory Committees be established?
- A. Some regional bars have already selected their representatives. The regional senior judges will probably not be appointed until the federal legislation is passed, but they will become RCMAC members immediately upon their appointment. The exact date of first meetings will be established in each region.

SMALL CLAIMS COURT

- Q. What happens to the existing Small Claims Court judges once Bill 2 is implemented?
- A. There are presently 11 Provincial Court (Civil Division) Judges province-wide. These judges will continue to hear Small Claims Court matters as provincially appointed judges. There will be no further appointments made to this bench.
- Q. Will deputy judges of the Small Claims Court be required to robe once court reform has been implemented?
- A. No. No changes are planned for the deputy judges' attire.

PROVINCIAL COURT (CRIMINAL DIVISION)

- Q. Does Bill 2 allow a criminal hearing/trial to be held at any centre within a region?
- A. Yes. Where the case is actually heard will have to be a decision reached through the cooperative management of all the parties involved. The police, Crown, judiciary and court administrators will all have to be consulted.
- Q. Can the accused elect where he/she wants the trial to be held?
- A. No. The accused has the right to elect which court will hear his or her trial. The court determines where and when the trial will take place.

PROVINCIAL COURT (FAMILY DIVISION)

Q. Who will hear provincial youth court matter?

A. There will be a gradual transfer of YOA matters to Provincial Court (Family Division) judges. The secure holding facilities which are required are not presently available in all family court facilities.

Q. Have Provincial Court (Family Division) judges been informed of the transfer of YOA matters?

A. Yes. Chief Judge Andrews and Chief Judge Hayes have had on-going discussions with their respective judges in this regard.

SUPREME AND DISTRICT COURT

Q. Local Registrars are currently responsible for hearing assessments. Will this responsibility continue once Bill 2 has proclaimed?

A. In the short term, yes. Under Bill 2 the Local Registrar's duties are to be assigned by a designee of the Deputy Attorney General (most likely the Regional Directors). At this time it is unclear how these duties will be assigned over the long term.

There will be a review of the assignment of responsibilities which may lead to a gradual separation of the quasi-judicial, managerial and administrative roles currently filled by the Local Registrars.

Q. Will the assignment of Sheriff/Local Registrar's duties vary across the province or each region?

A. With the gradual appointment of Court Services Managers and the potential for a separation of management and quasi-judicial functions, it is expected that there may be some difference in how these matters are handled in the future.

- Q. Must the regional Divisional Court be confined to one centre?
- A. No. The Chief Justice determines where Divisional Court will sit. The Chief Justice can determine more than one hearing centre within a region.
- Q. Should civil litigation documents bearing the wrong court name (Supreme or District Court) be rejected by the court staff?
- A. No. Litigants in civil matters have one year from the implementation of Bill 2 to utilize the correct names of the courts or their documents.
- Federal criminal documents must refer to the proper court name immediately upon implementation of court reform. These changes can be made manually.
- Q. Can the Supreme and District court offices receive copies of the documents required by the Ontario Court Accountant to release funds?
- A. Yes. The Program Development Branch will ensure that each office is given precedents of the required documents.

SEALS AND STAMPS

- Q. Where is the authority for sealing documents?
- A. R. 14.03 of the rules of civil procedure refers to the sealing of originating documents.
- In addition, Section 154(2) of the Courts of Justice Act, 1984, states that every document issued out of a court in a civil proceeding shall bear the seal of the court.

- Q. Why do the Provincial Court (Criminal Division) offices have seals; is there any statutory authority for sealing their documents?**
- A.** Section 23 of the Canada Evidence Act requires that the seal of the court be affixed to certified copies of evidence of any judicial proceeding, should the certified copy be under the signature of the clerk of the court. This does not preclude a judge or justice of the peace from identifying a certified copy of a document without affixing any such seal. Program Development Branch is consulting with Criminal Law Policy to determine whether this section applies to certified copies of informations prepared for agencies or other ministries. Should court reform be proclaimed before the issue is resolved, certified copies can continue to be attested to by a justice of the peace or by a judge of the court without the court seal being affixed.
- Q. Does the seal impression have to be made on every page of a document?**
- A.** The Regional Representatives committee will examine this issue in order to develop a province wide standard. In the interim, offices should continue with their current practices.
- Q. Why are the Sheriff's seals being replaced?**
- A.** The Sheriff's seals are being replaced to remove references to Judicial Districts and to standardize the Coat of Arms.
- Q. What provisions have been made for destroying the old seal inserts?**
- A.** The manufacturer will dispose of the seal inserts. Where seal inserts are replaced locally, arrangements must include the destruction of existing seals.
- Q. Is the geographical location on the seal not required where an order of judgment is sealed at a location other than the court of origin?**
- A.** There is no requirement in the Rules of Civil Procedure for a location to be named on the court seals.
- Q. Do all court stamps have to be translated?**
- A.** No. Stamps on documents that are normally returned to the public must reflect the proper court name and be translated.
- Q. Do the court stamps have to be translated within one year?**
- A.** The court stamps must be translated to comply with the French Language Services Act. As a matter of practicality the stamps should be translated at the same time that the court names are being changed.

ROBES

- Q. Who decides whether a gown should be refaced or replaced?
- A. It is a judicial decision as to whether the existing gown can be adequately refaced. In addition, the manufacturer will replace any gown sent to him that cannot be refaced.
- Q. Are there any changes in the Justices of the Peace or courtroom registrar's gowns?
- A. No. The General Division court judges are the only gowns which are affected by court reform.
- Q. Provincial Court (Family Division) judges currently wear different sashes than the Provincial Court (Criminal Division) judges, will that be changed?
- A. No. The Provincial Court Judges will continue to wear the gowns that they are presently wearing.
- Q. How long does it take to reface a gown?
- A. The amount of time it takes to reface a gown depends upon the number of gowns received at any one time by the manufacturer.

FORMS

- Q. What if court reform has not been implemented by the time the Bulk Order is delivered?
- A. Court offices should keep their old forms until court reform is implemented. Old forms can be printed when and if needed.
- Q. Is it acceptable to change a document manually by affixing a sticky label?
- A. Yes. Stamps are acceptable as well.
- Q. Who pays for the off-site storage facility?
- A. The individual offices will be charged the storage and shipping costs. (Costs of storage and shipping will most likely be realized in the savings of having all forms ordered at one time).
- Q. Is the warehouse facility option available for forms purchased outside the bulk order system?
- A. Everything purchased on the bulk order requisition may automatically be sent to the warehouse. Supplies purchased outside the bulk order system could be warehoused by privately negotiating the individual order with the warehouse.

- Q. Will the criminal forms reflect the correct criminal code section as well as the new court name?
- A. Yes. The forms have been reviewed and the proper C.C.C. sections inserted.
- Q. Are the judges aware of the changes to their stationary, calling cards, etc?.
- A. Discussions have been held with the Chief Justices and Chief Judges regarding the appropriate stationary. Court officials should show the samples of the stationary to the judge when completing this special order.

SUMMARY OF CHANGES BY CURRENT COURT OFFICE LEVELCourt of Appeal

o Seals	p. 16-18
o Judicial Gowns	p. 35, 36
o Court Name	p. 14, 15
o Stamps	p. 19
o Letterhead	p. 21
o Court Openings	p. 42
o Addressing the Judiciary	p. 37

Supreme and District Courts

o Rules	p. 38-41
o Seals	p. 16-18
o Judicial Gowns	p. 35, 36
o Court Name	p. 14, 15
o Stamps	p. 19
o Facilities Issues (Toronto)	p. 45, 46
o Court Forms	p. 20-27
o Bulk Order	p. 20, 21
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